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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,635	10/19/2001	Stewart Douglas Hutcheson	02-40282-US	1892

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,635

Applicant(s)

HUTCHESON ET AL.

Examiner

Sharad Rampuria

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 16, 17, 19-22 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) 4-15, 18, 23, 24 and 32-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16, 17, 19-22 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

I. Applicant's arguments with respect to claims 1-3, 16-17, 19-22, 25-31 has been considered but is moot in view of the new ground(s) of rejection.

Claims 4-15, 18, 23-24, 32-50 are cancelled.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 16-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. (6470179) in view of Tell et al. (5774802)

1. Regarding claims 1, 16 Chow disclosed A method for providing flat-fee wireless communications services (abstract), said method comprising:

Setting a given rate associated with a given period of time for said wireless communications services in a service area for at least one subscriber; (flat...rate; col.6; 63-col.7; 23);

Enabling, for said at least one subscriber, unlimited use of said wireless communications services within said service area for said period of time upon receipt of a corresponding payment of said given rate; (unlimited air time; col.5; 60-col.6; 4)

Chow fails to disclose a modeled geographic area. However, Tell teaches in an analogous art, that wherein said service area substantially coincides with a modeled geographic area that approximate at least one municipal region indicative of anticipated participation of the at least one subscriber in at least one selected from the group consisting of living, working, playing, shopping and traveling. (virtual zones...home, office, cellular; col.4; 56-67, col.5; 36-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a modeled geographic area in order to provide a method of billing in a wireless communication system.

2. Regarding claim 2, Chow disclosed the method of claim 1, wherein said at least one subscriber comprises a plurality of subscribers. (col.27; 1-11)

3. Regarding Claims 3, 19-20 Chow disclosed The method of claim 1, further comprising: identifying a plurality of land-line local calling areas corresponding to at least a portion of said service area; and, defining a wireless local calling area corresponding to said service area so as to include at least a portion of said identified land-line local calling areas. (col.6; 24-32).

17. Regarding Claim 17, Chow disclosed all the particulars of the claim except wireless communications services consist of services within the geographic area. However, Tell teaches in an analogous art, that the method of claim 16, wherein said wireless communications services consist of services within the geographic area. (virtual zones...home, office, cellular; col.4; 56-67, col.5; 36-45) Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of invention to include wireless communications services consist of services within the geographic area in order to provide a method of billing in a wireless communication system.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. & Tell et al. further in view of McConnell et al.

21. Regarding Claim 21, The above combination disclosed all the particulars of the claim except pre-paid long distance services. However, McConnell teaches in an analogous art, that The method of claim 16, wherein said wireless communications services further comprise at least one additional service selected from the group consisting of: voice mail services, and pre-paid long distance services. (col.18; table; 6-7) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include pre-paid long distance services in order to provide the facilitating robust account balance service such as prepaid calling.

22. Regarding Claim 22, The above combination disclosed all the particulars of the claim except pre-paid long distance services. However, McConnell teaches in an analogous art, that The method of claim 21, wherein said pre-paid long distance services are provided using voice-over-IP communications. (VOIP; col.22; 35-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include pre-paid long distance services in order to provide the facilitating robust account balance service such as prepaid calling.

Claims 25, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. & Tell et al. further in view of Chow et al. (20020058495)

25. Regarding Claim 25, Chow disclosed all the particulars of the claim except a link budget designed primarily based upon system capacity. However, Tell teaches in an analogous art, that the method of claim 16, wherein said wireless communications services are provided via transceivers each having a link budget designed primarily based upon system capacity. (pg.2; 0028) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a link budget designed primarily based upon system capacity in order to provide a method neighborhood wireless communication system.

28. Regarding Claim 28, Chow disclosed The method of claim 16, wherein said costs are increasingly mitigated as said originating wireless communications increase as compared to said incoming wireless communications. (pay may vary; pg.3; 0038)

29. Regarding Claim 29, Chow disclosed The method of claim 16, wherein said costs comprise at least one interconnect charge. (fixed rate; pg.3; 0031)

Claim 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. & Tell et al. further in view of Joyce et al.

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26. Regarding Claim 26, The above combination disclosed all the particulars of the claim except temporal period. However, Joyce teaches in an analogous art, that The method of claim 16, wherein said temporal period is recurring. (col.15; 2-13) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporal period in order to provide the enhanced communication service to individual user.

27. Regarding Claim 27, The above combination disclosed all the particulars of the claim except temporal period. However, Joyce teaches in an analogous art, that The method of claim 26, further comprising, for a subsequent one of said recurring temporal periods, if said payment is not received, disabling unlimited use of said corresponding one of said mobile communications devices in said predetermined geographic area. (col.15; 2-13) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporal period in order to provide the enhanced communication service to individual user.

Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. & Tell et al. further in view of Dunn et al.

30. Regarding Claims 30-31, The above combination disclosed all the particulars of the claim except mobile communications devices are CDMA compatible. However, Dunn teaches in an analogous art, that The method of claim 16, wherein said mobile communications devices are CDMA compatible. (col.11; 47-54) Therefore, it would have

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been obvious to one of ordinary skill in the art at the time of invention to include mobile communications devices are CDMA compatible in order to provide the different service providers.

Conclusion


III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on Mon-Fri. (8:10-4:40).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

May 11, 2005


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